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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 v. )

11 ERIN MICHAEL SOLOMON, )

12 Defendant. )

Case No. CR99-420 JCC

**PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED  
VIOLATIONS OF  
SUPERVISED RELEASE**

13  
14 INTRODUCTION

15 I conducted a hearing on alleged violations of supervised release in this case on March 11,  
16 2009. The defendant appeared pursuant to a summons issued in this case. The United States  
17 was represented by Darwin Roberts, and defendant was represented by James L. Vonasch. Also  
18 present was U.S. Probation Officer Michael Larson. The proceedings were digitally recorded.

19 CONVICTION AND SENTENCE

20 Defendant was sentenced on January 21, 2000 by the Honorable John C. Coughenour for  
21 Possession of Cocaine Base with Intent to Distribute. The Court imposed 60 months of  
22 imprisonment and 5 years of supervised release. Defendant has a history of violations of his  
23 supervised release.

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 (1) On September 20, 2004, the probation department alleged defendant used  
2 hydrocodone on September 12, 2004. The Court concurred with the recommendation that no  
3 action be taken.

4 (2) On November, 22, 2004, the probation department alleged defendant consumed  
5 cocaine on November 16, 2004. The Court concurred with the recommendation that no action be  
6 taken.

7 (3) On February 11, 2005, the probation department alleged defendant possessed  
8 cocaine with intent to distribute, possessed OxyContin with intent to distribute, and possessed  
9 drug paraphernalia. The Court sentenced defendant to six months of imprisonment and 54  
10 months of supervised release.

11 (4) On March 22, 2007, the probation department alleged defendant possessed cocaine,  
12 OxyContin, marijuana, and drug paraphernalia. Defendant admitted possessing cocaine,  
13 marijuana, and OxyContin. The Court sentenced defendant to eight months of imprisonment  
14 with day-for-day credit for any time at an inpatient substance treatment facility. Defendant was  
15 released from custody and started inpatient treatment on August 14, 2007.

16 (5) On September 4, 2007, the probation department alleged defendant failed to  
17 participate as instructed in substance abuse treatment. The Court sentenced defendant to serve 8  
18 months in custody and 41 months of supervised release. Defendant was released from custody on  
19 August 11, 2008.

20 PRESENTLY ALLEGED VIOLATIONS AND  
21 DEFENDANT'S ADMISSION OF THE VIOLATION

22 In a petition dated December 15, 2008, U.S. Probation Officer Jerrod Akins alleged that  
23 defendant violated the following conditions of supervised release:

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -2

1 (1) Committing the crime of assault fourth degree on December 5, 2008, in violation of  
2 general condition that he not commit another federal, state, or local crime.

3 (2) Committing the crime of malicious mischief on December 5, 2008, in violation of the  
4 general condition that he not commit another federal, state, or local crime.

5 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
6 and was informed the matter would be set for a disposition hearing before District Judge John C.  
7 Coughenour at a date to be determined.

8 RECOMMENDED FINDINGS AND CONCLUSIONS

9 Based upon the foregoing, I recommend the Court find that defendant has violated the  
10 conditions of his supervised release as alleged above, and conduct a disposition hearing.

11 DATED this 11<sup>th</sup> day of March, 2009.

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14 BRIAN A. TSUCHIDA  
15 United States Magistrate Judge  
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